

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

James D. Fountain,

Plaintiff,

v.

Carolyn W. Colvin, Acting Commissioner
of the Social Security Administration,

Defendant.

Civil Action. No. 0:12-cv-02704-JMC

ORDER

This matter is before the court upon motion of Plaintiff, through his attorneys, Carole M. Dennison & Timothy Clardy, for an award of attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (ECF No. 33). Plaintiff's motion seeks reimbursement for Counsel's representation in the captioned matter in the amount of \$5,240.02 in attorney's fees at \$188.49 per hour. Defendant's response to Plaintiff's motion (ECF No. 34) notifies the court that she does not oppose Plaintiff's request for fees in the amount stated herein. However, the parties agreed to a stipulated amount of \$4,500.00 for attorney's fees under the EAJA,

The court has reviewed Counsel's fee petition and the signed fee agreement that was submitted with the petition, and finds Counsel's stipulated request for fees reasonable.

Therefore, Plaintiff is entitled to an award of attorney's fees under the EAJA in the stipulated amount of \$4,500.00 in attorney's fees *See* 28 U.S.C. §§ 2412(c)(1) and 2414.

In accordance with *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this court belong to the litigant, thus subjecting EAJA fees to offset under the Treasury Offset

Program (31 U.S.C. § 3716(c)(3)(B) (2006)) and, therefore, the court directs that fees be payable to Plaintiff and delivered to Plaintiff's counsel.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

July 31, 2014
Columbia, South Carolina